

EFFECTIVE

March 1, 2020.

Subject(s)

SRM 131, Confidentiality

**1) Court Orders
and Subpoenas**

Prior to releasing any children's service information, all court orders must be sent to CSARequestforLegalResearch@michigan.gov and all subpoenas must be sent to MDHHS-Subpoena@michigan.gov.

**2) Lawyer
Guardian ad Litem**

A Lawyer Guardian ad Litem (LGAL) must be given access to case file information regarding the child the LGAL represents and that child's parents. The name of the reporting person and any other confidential information regarding other children or adults, not represented by the LGAL, must be redacted.

**3) Michigan
Protection
Advocacy Service**

The Michigan Protection and Advocacy Service (MPAS) is a private organization that has been designated by the Governor of the State of Michigan as the advocate for the protection of the legal rights of persons with disabilities in this State. Upon receipt of a request from MPAS, MDHHS staff should immediately forward the request to MDHHS-MPAS@michigan.gov.

**4) Native American
Tribes**

CPS records regarding an Indian child must be provided at the earliest point to a tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian's child's tribe to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian.

5) Redaction

When sending confidential information electronically, records must be redacted, then scanned and sent as a PDF.

**6) Release of
Alcohol and
Substance Abuse
Treatment Records**

Drug screens completed by MDHHS are not confidential and can be released to individuals allowed to receive CPS records under the Child Protection Law (CPL).

**7) Mental Health
Treatment Records**

Clarified individuals the department can release confidential mental health treatment records to without a release of information or a court order.

8) Medical Records

Clarified individuals the department can release confidential medical records to without a release of information or a court order.

**9) Release of
HIV/AIDS Records**

Clarified individuals the department can release confidential HIV/AIDS information to without a release of information or a court order.

**10) Educational
Records**

Information obtained from a school official who obtained the information through personal knowledge, observation, or heard from others is not considered a confidential educational record.

**11) Children's
Protective Service
records**

Clarified who can receive redacted copies of CPS records and who is allowed to receive the name of the reporting person as outlined in the CPL.

**12) Release of
Central Registry
information**

Clarified the process for requesting and releasing central registry information to in state and out of state entities.

**13) Foster care
Records**

This section was updated to identify who can receive redacted copies of foster care records, and it outlines information that must be provided to foster parents at the time of placement.

**14) Juvenile
Justice Records**

Clarified how Juvenile Justice (JJ) records are to be released, who is considered to be in the wards best interest when releasing confidential information, and in what circumstance MDHHS is able to release video surveillance or other recordings of a JJ youth.

**15) Adoption
Records**

Clarified the adoptive family evaluation may be shared with MDHHS, the court, the child's tribe, and the LGAL without written consent of the family being evaluated. This section was also updated to inform staff that MDHHS Adoption Program Office is the entity that can approve the release of closed adoption records.

**16) Public release
of Specified CPS
Information**

Clarified MDHHS employees should immediately contact the OFA at 517-241-9894 if they receive a request for public release of specified information.

Reason: All policy changes were made due to changes in the Child Protection Law or at the recommendation of the Attorney General, Bureau of Legal Affairs-Children's Services Legal Division, the Office of Family Advocate, Adoption Program Office, or the Juvenile Justice Policy Office.

**MANUAL
MAINTENANCE
INSTRUCTIONS**

Changed Items ...

[SRM 131](#)